

AMENDMENT NUMBER ONE

TO THE

AGREEMENT

BETWEEN

THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA

AND

THE MINISTRY OF DEFENSE OF THE REPUBLIC OF POLAND

CONCERNING

EXCHANGE OF

RESEARCH AND DEVELOPMENT INFORMATION

(Short Title: Amendment 1 to the U.S.-Poland Master Information Exchange Agreement)

CERTIFICATE OF AUTHENTICITY

I hereby certify this to be a true certified copy of Amendment Number One to the Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Poland concerning Exchange of Research and Development Information. The Office of the Deputy Assistant Secretary of the Army for Defense Exports and Cooperation, Armaments Cooperation Division, maintains custody of a signed copy of this Amendment.


Laura McMahon
DEPUTY, INTERNATIONAL AGREEMENTS

INTRODUCTION

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Poland, hereinafter referred to as the "Parties," entered into the Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Poland Concerning Exchange of Research and Development Information, hereinafter referred to as the "Agreement," on June 9, 1995. In accordance with paragraph 12.1. of Article XII (Amendment, Termination, Entry into Effect, and Duration) of the Agreement, the Parties agree to amend the Agreement as follows.

AMENDMENT

1. On the title page of the Agreement, delete "THE MINISTRY OF DEFENSE" and insert "THE MINISTER OF NATIONAL DEFENSE".
2. On the first line of the Preamble of the Agreement, delete "Ministry of Defense" and insert "Minister of National Defense".
3. In paragraph 3.1. of Article III (Management) of the Agreement, delete "Deputy Minister of National Defense for Armaments and Military Infrastructure" and insert "Undersecretary of State for Armaments and Modernization".
4. In paragraph 3.3. of Article III (Management) of the Agreement, delete "Chief, Research and Development Division, Office of the Deputy Minister of National Defense for Armaments and Military Infrastructure" and insert "Director of the Armaments Policy Department, Ministry of National Defense (for Development)" and "Director of the Science and Military Education Department, Ministry of National Defense (for Research and Technology)".
5. In Article V (Financial Arrangements) of the Agreement, number the first paragraph by inserting "5.1." before the paragraph, and add the following new paragraph:

"5.2. The obligations of the Parties shall be subject to the availability of appropriated funds for such purposes."
6. In Article VII (Disclosure and Use of R&D Information) of the Agreement, add the following new paragraph:

"7.10. All transfers of R&D Information shall be consistent with the furnishing Party's applicable export-control laws and regulations. The furnishing Party shall ensure that the applicable export-control markings are placed on its R&D Information before transferring it to the receiving Party."

7. In paragraph 9.1. of Article IX (Security), delete "General Security of Military Information Agreement between United States of America and Poland, dated 17 February, 1995, and subsequent amendments or annexes" and insert "Agreement between the Government of the United States of America and the Government of the Republic of Poland Concerning Security Measures for Protection of Classified Information in the Military Sphere, dated March 8, 2007, and subsequent amendments and annexes thereto".
8. In paragraph 12.5. of Article XII (Amendment, Termination, Entry into Effect, and Duration) of the Agreement, delete in the second line "remain in effect for fifteen years" and insert "remain in effect until June 8, 2025".
9. On the title page of Appendix 1 ("Model" Information Exchange Annex) of the Agreement, delete "Ministry of Defense" in the introduction and insert "Minister of National Defense". On the signature page of the "Model" Information Exchange Annex, delete "FOR THE MINISTRY OF DEFENSE OF THE REPUBLIC OF POLAND" and insert "FOR THE MINISTER OF NATIONAL DEFENSE OF THE REPUBLIC OF POLAND".
10. All other provisions of the Agreement remain unchanged.

This Amendment to the Agreement has been made in the English and Polish languages, both texts being equally authoritative, and shall enter into force on the date on which the last signature is affixed below.

FOR THE DEPARTMENT OF
DEFENSE OF THE UNITED STATES
OF AMERICA


Signature

Mr. Keith B. Webster
Name

October 16, 2009
Date

Arlington, Virginia, U.S.A.
Location

FOR THE MINISTER OF NATIONAL
DEFENSE OF THE REPUBLIC OF
POLAND


Signature

Brigadier Andrzej Duda
Name

October 27, 2009
Date

Warsaw, Poland
Location